

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

No. 1:19-cv-11311 (JSR)

v.

UNITED STATES CUSTOMS AND
BORDER PROTECTION and UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Defendants.

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DECLARATION OF STEVEN J. GRIFFIN

I, Steven Griffin, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am the Director of the Office of Intelligence, Collection Division (OI), U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security (DHS). I joined the CBP Office of Intelligence (OI) in June of 2016, following twelve years of intelligence experience with the U.S. Army and Intelligence Community, including most recently serving as the Chief of the Army's Analysis and Control Element, a 65-person team that included counterintelligence, all-source, geospatial, signals, and human intelligence professionals.

2. In my role as Director, I am responsible for executing the missions of CBP and, in particular, the Office of Intelligence. The Office of Intelligence (OI) is a coordinating facilitator that integrates CBP's diverse intelligence capabilities into a single cohesive intelligence enterprise. OI supports CBP's mission through a multi-layered approach that includes an intelligence field support capability, a strategic analysis capability focusing on terrorist, geo-political and economic threats, a daily CBP executive leadership briefing capability and intelligence, surveillance, and reconnaissance capabilities.

3. In my current position, I have programmatic responsibilities for CBP's use of "radio frequency sensors" in performing CBP's law enforcement and border security mission. Radio frequency sensors detect and identify threats against the U.S. by exploiting the use of radio communications in the high frequency (HF), very high frequency (VHF) and ultra-high frequency (UHF) frequency bands used by terrorists and transnational criminal organizations (TCOs) for illicit activity.

4. This declaration is based on my personal knowledge and other information obtained in the course of my official duties and responsibilities. I make this declaration in support of Defendants' motion for summary judgment in the above-captioned case.

5. I am generally aware that Cell-Site Simulators (CSS) are devices that can be used to locate a cellular device whose unique identifiers are already known to law enforcement, or to determine the unique identifiers of an unknown device. By transmitting as a cell tower, cell-site simulators acquire the identifying information from cellular devices.

6. I have reviewed the U.S. House of Representatives Committee on Oversight and Government Reform Report titled, Law Enforcement Use of Cell-Site Simulator Technologies: Privacy Concerns and Recommendations (December 16, 2016). The statements on page 14 of that report, that CBP spent \$2,500,000.00 on cell-site simulators and that CBP is in possession of 33 cell-site simulators, are inaccurate.

7. While CBP possesses certain technology that may be capable of cell-site simulation, that capability is fully deactivated on the equipment owned and used by CBP.

8. To my knowledge, CBP has no devices that are configured to operate as cell-site simulators.

9. Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the

foregoing is true and correct to the best of my information, knowledge and belief.

Executed on the 12th day of June, 2020.

Steven J. Griffin
Director
Collection Division
Office of Intelligence
U.S. Customs and Border Protection
Department of Homeland Security